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REMARKS

Claims 1-3 and 5-10 were presented for examination in the present application. The instant amendment cancels claim 10 without prejudice. Thus, claims 1-3 and 5-9 remain pending upon entry of the instant amendment, which is respectfully requested.

Applicants respectfully request reconsideration and withdrawal of the finality of the outstanding Office Action.

Where information is submitted after the first Office Action with a fee as set forth in 37 CFR 1.17(p), the examiner may use the information submitted, and make the next Office Action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner (emphasis added). See MPEP § 706.07(a).

It is respectfully submitted that the outstanding Office Action introduces a new ground of rejection, not necessitated by amendment to the claims.

Specifically, the First Office Action cited U.S. Patent No. 5,025,657 to Winship (Winship), but did not reject any claim in view of Winship. Claim 1 was amended, in response to the First Office Action, to include the elements of original claim 4. The outstanding Office Action has now rejected claim 1, as amended to include the elements of original claim 4, under 35 U.S.C. §102(b) over Winship. Since claim 4 could have been rejected under Winship by the First Office Action, it is respectfully submitted that the rejection of claim 1 over Winship is a new ground of rejection not necessitated by amendment to the claims. Accordingly, the finality of the outstanding Office Action is premature.

Reconsideration and withdrawal of the finality of the outstanding Office Action are respectfully requested.

Claims 1-3 and 5-10 were rejected under 35 U.S.C. §102(b) over Winship.

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Claims 1-3 and 5-10 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,345,032 to Rawstron (Rawstron). Claims 1-3 and 5-10 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,940,208 to Kemp (Kemp).

Independent claim 1 recites that "said sealing element comprises a foot part for being arranged in a housing, a head part comprising the sealing lips, and an elastic web part connecting the foot part with the head part."

With respect to Winship, the Office Action asserts that a portion of annular seat 24 (i.e., about where 24 is pointing) is an elastic web part. See page 2, lines 20-22 of the Office Action dated June 7, 2005. Applicants respectfully traverse this assertion.

Winship discloses ball valve 10 for use at very high pressures, such as 4000 psi. See col. 2, lines 14-19. Ball valve 10 has a downstream annular seat 24 forced outward by a Belleville spring 26 and an upstream annular seat 30 forced outward by a Belleville spring 32. Annular resilient seals 34 seal about the periphery of annular seats 24, 30 and annular face seals 36 extend about the faces of annular seats 24, 30 for sealing against ball 40. See col. 2, line 65 through col. 3, line 6.

It is respectfully submitted that if any portion of annular seats 24, 30 were elastic as asserted by the Office Action, there would be no need in Winship for the annular seals 34, the face seals 36, or the Belleville springs 26, 32. It is also submitted that if any portion of annular seats 24, 30 were elastic as asserted by the Office Action, the high pressures of Winship would deform the seats 24, 30 radially inward.

Accordingly, it is respectfully submitted that no portion of annular seats 24, 30 in Winship discloses or suggests the sealing element having an elastic web part connecting the foot part with the head part as recited by claim 1.

Rawstron discloses a casing having cylindrical grooves 17, 18 in which a pair of seat rings 19, of the same shape, but reversed in position, are mounted. See col. 1,

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lines 70-72. The area between groves 17, 18 and ball 20 as shown in Fig. 3 is generally triangular in cross-section and, thus, shape of seat rings 19 are generally triangular in cross-section. When seat rings 19 are made of fairly rigid material, they may be provided with grooves 29, 30 in which elastic O-rings 31, 32 are disposed to insure a seal. However, seat rings of higher elasticity will seal adequately without the O-rings. See col. 3, lines 15-22.

Clearly, when the seat rings of Rawstron are rigid material, they fail to disclose or suggest the elastic web part connecting the foot part with the head part as recited by claim 1. In addition, when the seat rings of Rawstron are elastic material, they seal adequately without the O-rings and, thus, lack to grooves 29, 30. Without grooves 29, 30, the triangular seat rings of Rawstron fail to disclose or suggest the foot part, head part, and web part as recited by claim 1.

Referring now to Kemp, the Office Action asserts that Kemp discloses a foot part 110, a web part 128, and a head part (un-numbered) having two sealing lips, namely elements 116 and 120. See page 4, line 19 through page 5, line 3 of the Office Action dated June 7, 2005. Applicants respectfully traverse this rejection.

Claim 1 recites a sealing element that comprises two sealing lips, a head part comprising the sealing lips, and an elastic web part connecting the foot part with the head part. Thus, claim 1 requires a head part with two sealing lips, where the head part and, thus, both sealing lips, are connected to the foot part by the elastic web.

As best seen in FIG. 4 of Kemp, element 120 (one of the asserted sealing lips) is connected to element 110 (the asserted foot part) by element 128 (the asserted web part). However, Kemp discloses that body portion 110 has a lip 114 that is rounded at 116. See col. 5, lines 10-14. Thus, element 116 of Kemp is part of element 110 (the asserted foot part) and, as such, clearly is not connected to element 110 by element 128 (the asserted web part).

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Accordingly, it is respectfully submitted that Kemp discloses a single sealing lip (element 120) connected to the foot part (element 110) by the web part (element 128). However, element 116 of Kemp cannot be considered one of the claimed "two sealing lips" since it is clearly not connected to the foot part (element 110) by the web part (element 128). Kemp therefore fails to disclose or suggest the two sealing lips as recited by claim 1.

For at least the reasons set forth above with respect to Winship, Rawstron, and Kemp, claim 1 is believed to be in condition for allowance. Claims 2-3 and 5-8 are also believed to be in condition for allowance for at least the reason that they depend from the aforementioned claim 1. Reconsideration and withdrawal of the rejections to claims 1-3 and 5-8 are respectfully requested.

Independent claim 9 recites that "said web part has a smaller cross section in comparison with said foot part and/or said head part" and has been amended to recite that the web part is "elastic."

Again, if any portion of Winship's annular seats 24, 30 were elastic, there would be no need for the annular seals 34, the face seals 36, or the Belleville springs 26, 32. It is also submitted that if any portion of Winship's annular seats 24, 30 were elastic, the high pressures of Winship would deform the seats 24, 30 radially inward. Accordingly, it is respectfully submitted that no portion of annular seats 24, 30 in Winship discloses or suggests web part that is elastic as recited by claim 9.

In Rawstron, when the seat rings are rigid, they fail to disclose or suggest the web part that is elastic as recited by amended claim 9. Further, when Rawstron's seat rings are elastic, they seal adequately without the O-rings and, thus, lack to grooves 29, 30. Without grooves 29, 30, the seat rings of Rawstron fail to disclose or suggest the web part that has a smaller cross section in comparison with said foot part as recited by claim 9.

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Again, element 116 of Kemp cannot be considered one of the claimed "two sealing lips" since it is clearly not connected to the foot part (element 110) by the web part (element 128). Kemp therefore fails to disclose or suggest the two sealing lips as recited by claim 9.

For at least the reasons set forth above with respect to Winship, Rawstron, and Kemp, claim 9 is believed to be in condition for allowance. Reconsideration and withdrawal of the rejections to claim 9 are respectfully requested.

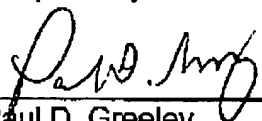
In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

In the alternative, it is believed that the instant amendment places the present application in better condition for appeal. Accordingly, entry and consideration of the instant amendment are respectfully requested.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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